



U.S. Department
of Transportation
**Federal Aviation
Administration**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

800 Independence Ave., S.W.
Washington, D.C. 20591

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Ms. Roman Salas
Office of the Secretary, TW-A306
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Ms. Salas,

We have reviewed the Federal Communications Commission's (FCC) Notice of Proposed Rulemaking (NPRM) in the matter of *Creation of a Low Power Radio Service*, FCC 99-6, MM Docket 99-25. The Federal Aviation Administration (FAA) believes that the new service as proposed in the NPRM will greatly increase the possibility of interference to critical aeronautical safety systems. We strongly object to the licensing provision that no notice to the FAA would be required,

Specifically, we are concerned that the NPRM states that the maximum antenna height requirement of 60 meters (197 feet) for stations with a maximum power of 1000 watts is below the minimum (200 foot) height and power required for notice to the FAA under *14 CFR Part 77, Objects Affecting Navigable Airspace*. As such, the applicant would not be required to notify the FAA

Part 77 has been written to make sure that every case that exhibits a potential for interference, particularly FM broadcast stations, is brought to the attention of the FAA so that it can be analyzed and potential interference be identified before the antenna is erected. Resolution of interference problems after a station is built is extremely costly and can result in having to dismantle the station.

Many of the antennas authorized under this proposed rulemaking NPRM would be located near airports or other FAA facilities. In the past, the FAA has experienced numerous cases of radio frequency interference from FM broadcast to air navigation and communication facilities. Most such cases are from FM stations that, for various reasons, did not file with the FAA. Allowing new stations to go on the air with no review by the FAA is an invitation to trouble. Interference to an Instrument Landing System (ILS) receiver is usually indicated by an "on course" indication, **irregardless of whether the aircraft is lined up on the runway centerline or not**. The potential for an serious incident is obvious.

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Since the proposed antenna height and transmitting power for the LPFM service is less than that which requires notice under Part 77, the FAA will only agree with the proposal provided that all applicants are required to file with the FAA to insure no interference to FAA safety of life systems will be generated.

If you have any questions, please contact Mr. Jerry Sandors, Spectrum Assignment and Engineering Division at 202 267 9720.

Sincerely,

A handwritten signature in cursive script that reads "Gerald J. Markey". The signature is written in dark ink and is positioned above the printed name.

Gerald J. Markey
Program Director for Spectrum Policy
And Management